

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**  
December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**  
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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tions 2901 to 2904 ~~and~~, 3101 to 3103 ~~and~~ 3105 or prohibited by any rule, regulation, order or decision of the commissioner. If it is established, upon hearing, that the person charged has been or is committing any act declared to be unlawful by sections 2901 to 2904 ~~and~~, 3101 to 3103 ~~and~~ 3105 or is in violation of any rule, regulation, order or decision of the commissioner, the court shall enter a decree perpetually enjoining ~~said~~ that person from further commission of such act or actions. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies ~~shall be no~~ is not a defense to this proceeding. The commissioner ~~shall~~ is not ~~be~~ required to give or post a bond when making an application for an injunction under this section.

**Sec. 4. 7 MRSA §3105** is enacted to read:

**§3105. Restrictions on biosynthetic bovine somatotropin**

A veterinarian or a registered animal technician under the supervision of a veterinarian may use or administer biosynthetic bovine somatotropin, known as BST, for research purposes only. It is unlawful for a person who is not a veterinarian or a registered animal technician under the supervision of a veterinarian to use or administer BST. In addition to other penalties provided by law, if BST is present on a dairy farm, except in possession or control of a veterinarian or a registered animal technician under the supervision of a veterinarian using or administering BST for research purposes, the commissioner shall suspend the farm's operating permit issued under section 2902-A. The suspension may be for a period of up to 30 days and must be in accordance with Title 5, section 10004.

For the purposes of this section, "research" means a class of activities designed to develop or contribute to generalizable knowledge or the accumulation of data that can be corroborated by accepted scientific observation and inferences. A veterinarian using or administering BST for research purposes or supervising a registered animal technician using or administering BST for research purposes subsequent to commercial approval of BST by the federal Food and Drug Administration, pursuant to 21 Code of Federal Regulations, Part 514, must submit to the department prior written notice identifying the owner and location of the animals to which BST will be administered, the explicit objectives of the research and the procedures of investigation designed to reach those objectives. Such notices are public records within the meaning of Title 1, section 402, subsection 3. The department shall provide a copy of such notices to each dealer licensed pursuant to section 2955.

This section is repealed February 1, 1993.

See title page for effective date.

## CHAPTER 726

### H.P. 1512 - L.D. 2124

#### An Act Regarding Recording Requirements for Proceedings Involving Real Estate

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 14 MRSA §2401, sub-§§2 and 3**, as enacted by PL 1991, c. 125, are amended to read:

**2. Identification on docket.** On and after January 1, 1992, judicial proceedings in any Maine court; including appeals from judicial proceedings; that affect title to real estate must be identified on the docket. Judicial proceedings subject to this section include but are not limited to; proceedings involving:

- A. Partition actions;
- B. Boundary and access disputes;
- C. Insolvency;
- D. Mortgage foreclosure;
- E. Declaratory judgment actions;
- F. Attachment and mechanic liens;
- G. Dissolution; and
- H. Actions to quiet title,

This section does not apply to the descent of real estate in divorce governed by Title 19, section 725.

**3. Judgment required; recording and contents.** ~~Upon the expiration of the applicable appeal period or the entry of a final order on appeal, an abstract of any judgment or final order of judicial proceedings subject to this section must be prepared.~~ The court shall name the party or parties responsible for preparing and recording the ~~abstract~~ judgment in the registry of deeds in the county or counties in which the subject property is located, and for paying the recording fees. The ~~abstract~~ judgment must be signed by the judge and contain the following provisions of the final order:

- A. The names and addresses of all parties to the action, including the counsel of record;
- B. The docket number;
- C. A certification that all parties have received notice of the proceedings, that the notice was given in accordance with the applicable provisions of the Maine Rules of Civil Procedure and, if the notice

was served or given pursuant to an order of a court, including service by publication, that the notice was served or given pursuant to the order;

D. An adequate description of real estate involved;

E. A copy of any order that affects the property, with the applicable dates of that order; and

F. A certification by the clerk that any applicable appeal period has expired without action or, if appealed by any party, a certification of the appeal.

**Sec. 2. 14 MRSA §2401, sub-§§4 and 5,** as enacted by PL 1991, c. 125, are repealed.

See title page for effective date.

## CHAPTER 727

**S.P. 843 - L.D. 2147**

### **An Act to Prohibit Undocumented Insurance Trade Practices**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 24-A MRSA §2184** is enacted to read:

#### **§2184. Credit card charges of insurance purchases**

An insurer or any person representing or acting as an agent for an insurer may not charge a premium to a credit card held by an insured or potential insured without a signed written authorization from the insured or potential insured. The insured must sign annually to renew the credit charge authorization.

See title page for effective date.

## CHAPTER 728

**H.P. 1604 - L.D. 2266**

### **An Act to Amend the Laws Governing the Practice of Hairdressing**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** delay in the implementation of this change to the law may prevent some licensed persons from practicing their profession in barbering, cosmetology, manicuring or aesthetics; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 32 MRSA §14203, sub-§2, ¶G,** as enacted by PL 1991, c. 397, §6, is amended to read:

**G.** On persons in their residences; ~~if the licensee maintains or is employed in a licensed shop;~~ and

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 24, 1992.

## CHAPTER 729

**S.P. 819 - L.D. 2018**

### **An Act Concerning the Freedom of Access Laws as They Relate to Disclosure of Public Employee Personnel Records**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** there is an omission in current law that may be interpreted to allow criminal justice intelligence and investigative records in the custody of the Department of Corrections to be examined or disseminated; and

**Whereas,** disclosure of these sensitive criminal justice records could endanger the life or safety of criminal justice personnel and the law must be clarified immediately to prevent such disclosure; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §7070, sub-§2, ¶E,** as amended PL 1991, c. 229, §1, is further amended to read:

**E. Complaints** Except as provided in section 7070-A complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision